

ADDITIONAL INFORMATION

SPECIAL LICENSING SUB COMMITTEE

Friday, 2nd July, 2021, 2.00 pm - MS Teams (watch it [here](#))

Members: Councillors Sheila Peacock (Vice-Chair, in the Chair), Viv Ross, and Yvonne Say.

Quorum: 3

6. APPLICATION FOR A NEW PREMISES LICENCE AT 365-369 GREEN LANES, LONDON, N4 (PAGES 1 - 12)

To consider additional information.

Fiona Rae, Principal Committee Co-ordinator
Tel – 020 8489 3541
Email: fiona.rae@haringey.gov.uk

Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
River Park House, 225 High Road, Wood Green, N22 8HQ

Thursday, 01 July 2021

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Additional Information

Attachments: [Laki Letter LBH LICENCING.docx](#)

From: Duncan Craig <Duncan.Craig@citadelchambers.com>

Sent: 25 June 2021 15:16

To: Roye Chanel <Chanel.Roye@haringey.gov.uk>

Cc: Licensing <Licensing@haringey.gov.uk>

Subject: FW: LICENSING AUTHORITY REPRESENTATION -Application for a Premises Licence- 365-369 Green Lanes, Hornsey, London, N4 1DY (WK/498979)

Importance: High

Dear Philip

I write further to your representation below and I will deal with the issues you raise that relate to the promotion of the licensing objectives.

The suggested conditions below are agreed, except to say that my client wishes to have background music in the rear area up to 23:00; given the Live Music Act 2012, I question how enforceable the suggested condition around amplified music is in any event, and would propose to amend as follows:

*“Amplified music shall **NOT** be played at the premises after 23:00 in the garden area”*

I am instructed to reduce the scope of the licensable activities applied for (sale of alcohol and late night refreshment) to 23:30 with a closing time of midnight; as you are aware there is no regulated entertainment within the scope of the application.

I know some concerns have been raised by ‘Other Persons’ about soundproofing between the premises and the properties above, with whom I will be liaising shortly, but for completeness and in an effort to address any associated concerns you may have I attach a letter from the property’s landlord attesting to the soundproofing works he has undertaken as part of the overall scope of works.

I confirm that Mr Ali Ozbek will have no involvement in the business whatsoever.

Hopefully all the above has addressed your concerns but please do not hesitate to contact me if you feel these is anything we need to discuss.

Kind regards,

Duncan Craig

Barrister

E | duncan.craig@citadelchambers.com

W | www.licensingbarrister.co.uk

T | 07544 987300



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From: Roye Chanel <Chanel.Roye@haringey.gov.uk> **On Behalf Of** Licensing

Sent: 24 May 2021 09:28

To: info@advancearchitecture.co.uk

Cc: Duncan Craig <Duncan.Craig@citadelchambers.com>

Subject: LICENSING AUTHORITY REPRESENTATION -Application for a Premises Licence- 365-369 Green Lanes, Hornsey, London, N4 1DY (WK/498979)

Importance: High

Dear Sir/Madam,

Please find below are representation from the Licensing Authority.

Please advise your course of action.

Please forward all responses to licnsing@haringey.gov.uk

Kind regards

Chanel Roye - Licensing Administrator

Please do not send applications by post or visit our office.



Licensing Authority |

1st Floor | River Park House | 225 High Road | Wood Green | London | N22 8HQ

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From: Cone Philip <Philip.Cone@haringey.gov.uk>

Sent: 21 May 2021 16:06

To: Licensing <Licensing@haringey.gov.uk>

Subject: FW: Rakkas Licensing Application

Dear all,

Please see my rep below.

Regards.

Phil

New Premises application: 365-369 Green Lanes. Licensing Authority Representation:

From the Licensing Authority viewpoint, I have concerns about the applicant meeting the threshold of specific Licensing Objectives, Public Nuisance, Public Safety and Crime and Disorder.

The premises previously operated as Rakkas at 369 Green Lanes under a licence held by Mr Ali Ozbek, this licence was subject to a review due to breaches found under the various Lockdown stages during the Covid pandemic. The Premises licence was revoked by the LSC. The new application is submitted by Garip Toprak, however, Mr Ali Ozbek remains the ratepayer at 365-369 Green Lanes. We understand that a new lease was to be assigned but unclear as to whom the new lessee would be, we assume it will be the new applicant. The new Premises licence application states that Mr Ali Ozbek has no involvement in the new application.

The premises is being opened up across three units with a large outdoor area to the rear which the Licensing Authority believes will be used for shisha activity although the applicant has not stated this in the application. The Licensing Authority has spoken with the agent and landlord for the premises who have indicated that the rear area will be used for shisha smoking. Whilst shisha smoking is not a licensable activity the conduct and management of this activity on licensed premises can be considered in terms of ensuring the objectives are upheld and promoted on the premises.

We do have concerns over the alterations to the three units, with the rear being used as a shisha garden with a retractable roof. Planning Services have advised that this type of mixed use (restaurant and shisha lounge) required an application to be submitted to Planning. The agent has been informed to make contact with planning with regard to this matter.

However we do have concerns with regards the rear area and the timings being sought by the applicant. There is the potential for nuisance issues to arise from its use be it noise, smoke and or light nuisance. The most popular times for customers will be in the evening and it is a known fact that nuisance is more noticeable in the evening. This is particularly exacerbated in 'smoke free compliant' premises as the shelter is outside and leads to greater transmission of noise.

It is our view that there is insufficient information from the applicant to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety.

From the Public Nuisance, Public Safety and Crime and Disorder perspective, I would want the following conditions applied;

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police and Local Authority Licensing Teams. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;
- A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
- The Police will be informed if the system will not be operating for longer than one day of business for any reason;
- Footage will be provided free of charge to the police or other authorised officers upon request (subject to the Data Protection Act 1998) within 24 hours of any request.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number shall be made available to residents and businesses in the vicinity.
- An incident log shall be kept at the premises and made available on request to a Police or authorised council officer. It must be completed within 24 hours of the incident and will record the following:
 - a) All crimes reported at the venue.
 - b) All ejections of patrons.
 - c) Any complaints received concerning crime and disorder.
 - d) Any incidents of disorder.
 - e) All seizures of drugs and offensive weapons.
 - f) Any faults in the CCTV system, searching or scanning equipment.
 - g) Any visit by a relevant authority or emergency service.

- The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.

Prevention of Public nuisance:

- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
- All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- Amplified music shall **NOT** be played at the premises at any time in the garden area
- No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.
- Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
- In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
- Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Public safety

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

Protection of children from harm:

- The premises will operate the 'Challenge 25' proof of age scheme where:
 - a. All staff will be fully trained in its operation;
 - b. Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
 - c. No one under the age of 18 years will be admitted into the lounge/shish garden part of the premises.

Phil Cone.

Licensing Enforcement officer



Licensing Authority I

1st Floor I River Park House I 225 High Road I Wood Green I London I N22 8HQ

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PATTALIS LTD
18 OAKWOOD PARK ROAD
SOUTHGATE
LONDON N14 6QG

TEL N0
Email

RESIDENTIAL & COMMERCIAL PROPERTY LETTINGS & MANAGEMENT

Daliah Barrett
Licensing Team Leader
Haringey Council
6th Floor,
10 Station Road,
London, N22 7TR

23rd June 2021

Dear Daliah,

I am the freeholder of properties 365-367 & 369 Green Lanes, N4 1DY.

I give my full support to this application along with any terms and conditions set down.

Having discussed at length the noise and nuisance issues caused by the previous management, my commercial tenants are 100% commitment, in taking all necessary building & sound proofing measures.

In consideration of these issues, a detailed Specification for Ceilings & Walls was prepared by my Building Design Consultants to meet such demands. They were fully accepted, with works commencing at the earliest possible stage to install Part 1: Statutory Reinstatement Of Ceilings.

All ceilings will comprise of a highly technical installation of immediate soundproofing fixed in between joists and to the underside. A secondary independent ceiling, to the same high specification, will be fitted directly below.

The final ceiling, Part 2, 2nd Independent Ceiling, will also be to the same specification.

All walls, bulkheads and under stairs to upper residential, will comprise of the same high specification soundproofing, fire resistant material, with the addition of a secondary independent wall to further enhance this specification.

All lighting & ducting will be surface mounted to avoid any sound & odour penetration. Any openings made within the walls or ceilings, must be sealed with appropriate fire or acoustic sealant. Brackets & ducting support must be anti-vibration, with flexible coupling to prevent the transmission of noise.

Please advise if you require a copy of this.

Should you require any further assistance with this matter, please contact me.

Kind Regards

Mr A Pattalis

Pattalis Ltd

Pattalis Ltd. Registered Office 161 Lancaster Road, Enfield EN2 0JN Registered in England 1413631

National Residential Landlords Accreditation Scheme Membership No: 2039357



From: Cone Philip <Philip.Cone@haringey.gov.uk>
Sent: 28 June 2021 11:46
To: Duncan Craig <Duncan.Craig@citadelchambers.com>
Cc: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Subject: RE: 365-369 Green Lane N4 LA rep matters

Hi Duncan

Welcome the proposed reduction in hours, but the ability to have music in the outside rear area until 23:00 is still a cause for concern. As you know the issue of the use of this rear garden has not been defined in the application and although the agent has said it will be used for dining our conversation with landlord has put a different spin on the use and he says it will be for shisha activity.

Either way the use of an open area at the back (the plans are not showing that the rear will be enclosed as required under the Planning permission) will give rise to noise nuisance and if music is also factored into this then it is only right that there is some protection put in place against this.

The previous premises did have complaints arising from music and people noise from the shisha activity at the rear and it would help to have some clarity as to what the intended rear was to be used for? and also for some mitigation to be in place if the area was to be an open area for it to cease being used by 9pm and patrons asked to come inside the premises to continue dining.

Kind Regards.

Phil

From: Duncan Craig <Duncan.Craig@citadelchambers.com>
Sent: 28 June 2021 09:40
To: Cone Philip <Philip.Cone@haringey.gov.uk>
Cc: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Subject: Re: 365-369 Green Lane N4 LA rep matters

Great; thanks.

Kind regards,

Duncan Craig
Barrister

E | duncan.craig@citadelchambers.com
W | www.licensingbarrister.co.uk
T |

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On 28 Jun 2021, at 07:39, Cone Philip <Philip.Cone@haringey.gov.uk> wrote:

Hi Duncan,

Apologies, have not had sight of the original email. I will look now and get back to you asap.

Kind Regards.

Phil

From: Duncan Craig <Duncan.Craig@citadelchambers.com>
Sent: 25 June 2021 16:21
To: Barrett Daliah <Daliah.Barrett@haringey.gov.uk>
Cc: Cone Philip <Philip.Cone@haringey.gov.uk>
Subject: RE: 365-369 Green Lane N4 LA rep matters

Hi Daliah

Not had it as yet no – thanks.

Phil – Have you had sight of my email from earlier (attached) which significantly reduces the scope of the application. Happy to discuss.

Kind regards,

Duncan Craig
Barrister

E | duncan.craig@citadelchambers.com
W | www.licensingbarrister.co.uk
T |

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From: Barrett Daliah <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing

Sent: 25 June 2021 16:10

To: Duncan Craig <Duncan.Craig@citadelchambers.com>

Subject: FW: 365-369 Green Lane N4 LA rep matters

Hi Duncan

Please see below from LA officer providing further information to the rep submitted for the hearing. You may have been sent this earlier today by my Team but I am just picking up on emails now.

Regards
Daliah

From: Cone Philip <Philip.Cone@haringey.gov.uk>

Sent: 25 June 2021 08:22

To: Licensing <Licensing@haringey.gov.uk>

Subject: Further Licensing Authority Rep

Dear all,

Please see below matters that amplify the initial representation from the Licensing Authority for 365-369 Green Lanes, N4.

The Licensing Authority contacted the landlord for the properties as there is a past history of public nuisance issues arising from the site when it was formally called Rakkas. When it was in operation, there were issues with noise from the rear of the premises affecting the residents who lived above the property. The Landlord Mr Pattalis confirmed that Mr Ali Ozbek was still the current leaseholder but this was due to change shortly. He advised that he was in negotiations with Mr Ozbeks nephews to grant new leases in their names, and was close to finalising legal issues and agreeing draft leases for final submission.

The landlord also confirmed that the "shops were undergoing complete renovations, whereby all three units will form one restaurant, with the rear garden extension spanning across all three shops. The roof will have sections of retractable openings, currently marked as AOV's subject to planning consent, to allow for smoking and Shisha. I believe this requirement is a 50% opening. Details of works can be found in planning notices, indicated below.

Planning Notices are:

shops 365-367 **HGY/2019/2317**

Shop 369 **HGY/2021/0293"**

The Planning Team has advised that the planning permission shown related to the above HGY cases relate to the rear extensions only. The scope of these consents does not cover a change of use to a mixed use comprising of a restaurant/shisha café at either premises. Planning Services are a Responsible Authority and lodged a comment/representation on this basis but also asked that the applicant be notified of this requirement so they may contact Planning for further discussion and clarity.

The Planning permission placed a requirement for rebuilding the rear single storey back extensions, to be fully enclosed, with roof windows specifically required to be opening to prevent noise nuisance. The Licensing Authority sought clarity from the applicant and the agent as to whether the intention was to use the rear garden area shown on the plan for shisha smoking activity. The agent responded to say that they are separate matters and he wished to focus on the alcohol licence application being sought. The email also made clear that the rear of the restaurant would be used for fine dining, but if smoking was to take place the premises would be compliant with tops and sides being open. The agent advised that plans showing how this would be achieved were not available at the time.

From a Licensing Authority perspective it is a relevant matter as the offering of shisha smoking whilst not a licensable activity can give rise to public nuisance and can have a very serious impact on the objective of preventing public nuisance from licensed premises. Such activity is required by law to take place in premises that are 50% open. Therefore, there is more of an opportunity for nuisance from people noise socialising whilst smoking shisha at the venue to impact on nearby residents. A similar business that used to operate at 399 Green Lanes (Rakkas) previously receive a number of complaints from residents affected by noise arising from the use of the rear garden as a shisha lounge by that particular venue. It is therefore a matter that the LSC requires clarity from the applicant on and therefore engages their discretion on the prevention of public nuisance on the licensing objective. The applicant is also seeking the ability to

offer late night refreshment and alcohol sales throughout the area shown on the plan.

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From: Barrett Daliah

Sent: 29 June 2021 10:58

To: 'Duncan Craig' <Duncan.Craig@citadelchambers.com>

Subject: FW: PREMISES LICENCE APPLICATION HEARING 2ND JULY AT 2PM ON TEAMS

Hi Duncan,

We have sent through the document for inclusion in the committee bundle and have had the below query back from one of the resident associations.

Regards

Daliah

Dear Daliah,

Thanks for your update. We obviously welcome the proposed reduction in hours, but for the sake of clarity, does this mean

- That the entire premises will close at midnight, seven days a week
- That regulated entertainment may take place between the permitted hours of 08.00-23.00, but will not take place anywhere on site between 23.00 and the midnight closure

In addition

- Still no clarity on the nature of the 'garden area'/'back garden' and whether it is totally enclosed (as required by Planning) which obviously impacts on lawful uses
- Still no clarity on location of genuinely outside area where 'ordinary' smoking might take place and at what times
- Still no clarity on extent and nature of sound insulation
- Need to comply with planning permissions, as granted
- need to comply with requirements of responsible authorities

Thanks and best wishes

Ian

Chair LCSP/Chair Harringay Police Panel

|